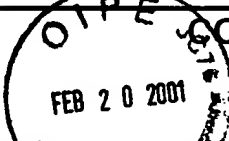


02-21-01

PTO/SB/29 (10-00)

Approved for use through 10/31/2002. OMB 0651-0032  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

	<b>CONTINUED PROSECUTION APPLICATION (CPA)</b> <b>REQUEST TRANSMITTAL</b>	
	Submit an original, and a duplicate for fee processing. (Only for Continuation or Divisional applications under 37 CFR 1.53(d))	
		CHECK BOX, if applicable: <input type="checkbox"/> DUPLICATE

Address to:  <b>Assistant Commissioner for Patents</b> <b>Box CPA</b> <b>Washington, DC 20231</b>	Attorney Docket No. of Prior Application	Bayer 10,197-KGB
	First Named Inventor	DIETER NEUSER et al.
	Examiner Name	K. George
	Group Art Unit	1616
	Express Mail Label No.	EL 728910955 US

This is a request for a ☒ continuation or ☐ divisional application under 37 CFR 1.53(d),  
 (continued prosecution application (CPA)) of prior application number 09 / 402,737,  
 filed on October 8, 1999, entitled ANALGESIC COMBINATION

### NOTES

**FILING QUALIFICATIONS:** The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 CFR 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. Effective May 29, 2000, a CPA may only be filed in a utility or a plant application if the prior nonprovisional application was filed before May 29, 2000. A CPA may be filed in a design application regardless of the filing date of the prior application. See "Request for Continued Examination Practice changes to and Provisional Application Practice," Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office (Apr. 11, 2000).

**C-I-P NOT PERMITTED:** A continuation-in-part application cannot be filed as a CPA under 37 CFR 1.53(d), but must be filed under 37 CFR 1.53(b).

**EXPRESS ABANDONMENT OF PRIOR APPLICATION:** The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

**ACCESS TO PRIOR APPLICATION:** The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

**35 U.S.C. 120 STATEMENT:** In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 CFR 1.78(a).

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

- ☒ Enter the unentered amendment previously filed on December 19, 2000 under 37 CFR 1.116 in the prior nonprovisional application.
- ☒ A preliminary amendment is enclosed.
- This application is filed by fewer than all the inventors named in the prior application, 37 CFR 1.53(d)(4).
  - ☐ DELETE the following inventor(s) named in the prior nonprovisional application:  
 .....
  - ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
- ☐ A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
- Information Disclosure Statement (IDS) is enclosed:
  - ☐ PTO-1449
  - ☐ Copies of IDS Citations

02/23/2001 STEFFERA 00000093 141263 09402737  
 01 FC:131 710.00 CH

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 0.4 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box CPA, Washington, DC 20231.

CPA/1616#  
 TUCK  
 #13  
 268/1

TECH CENTER 1600/2900

FEB 26 2001

RECEIVED

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
TOTAL CLAIMS (37 CFR 1.16(c) or (j))	4	-20* =	0	x \$ 18.00 =	\$ 0.00
INDEPENDENT CLAIMS (37 CFR 1.16(b) or (i))	1	-3** =	0	x \$ 80.00 =	0.00
MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d))				+ \$ _____ =	
				BASIC FEE (37 CFR 1.16)	710.00
Total of above Calculations =					710.00
Reduction by 50% for filing by small entity (Note 37 CFR 1.27).					
* Reissue claims in excess of 20 and over original patent. ** Reissue independent claims over original patent.					TOTAL = 710.00

6. ☐ Small entity status: Applicant claims small entity status. See 37 CFR 1.27.7. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 14 - 1263:a. ☒ Fees required under 37 CFR 1.16.b. ☒ Fees required under 37 CFR 1.17.c. ☐ Fees required under 37 CFR 1.18.8. ☐ A check in the amount of \$ \_\_\_\_\_ is enclosed.9. ☐ Payment by credit card. Form PTO-2038 is attached.10. ☐ Applicant requests suspension of action under 37 CFR 1.103(b) for a period of \_\_\_\_\_ months (not to exceed 3 months) and the fee under 37 CFR 1.17(i) is enclosed.11. ☐ New Attorney Docket Number, if desired \_\_\_\_\_

[Prior application Attorney Docket Number will carryover to this CPA unless a new Attorney Docket Number has been provided herein.]

12. a. ☐ Receipt For Facsimile Transmitted CPA (PTO/SB/29A)b. ☒ Return Receipt Postcard (Should be specifically itemized, See MPEP 503)13. ☒ Other: Notice of Change of Address**NOTE:****The prior application's correspondence address will carry over to this CPA UNLESS a new correspondence address is provided below.****14. NEW CORRESPONDENCE ADDRESS**☐ Customer Number or Bar Code Labelor ☐ New correspondence address below

(Insert Customer No. or Attach bar code label here)

Name

Kurt G. Briscoe

NORRIS Mc LAUGHLIN &amp; MARCUS

Address

220 East 42nd Street

30th Floor

City

New York

State

NY

Zip Code

10017

Country

USA

Telephone

(212) 808-0700

Fax

(212) 808-0844

**15. SIGNATURE OF APPLICANT/ ATTORNEY, OR AGENT REQUIRED**

Name (Print IType)

Kurt G. Briscoe

Signature

Registration No. (Attorney/Agent)

33,141

Date

2-20-01



Bayer 10,197-KGB  
Le A 32 295-PUS W1/SWo

*V. Tuck*  
*14/2*  
*2/28/01*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS : DIETER NEUSER, ET AL.  
SERIAL NO. : 09/402,737  
FILED : October 8, 1999  
FOR : ANALGESIC COMBINATION  
ART UNIT : 1616  
EXAMINER : K. George

TECH CENTER 16C-2200

FEB 26 2001

RECEIVED

February 20, 2001

Hon. Commissioner of Patents  
Washington, D.C. 20231

**PRELIMINARY AMENDMENT**

SIR:

Prior to further examination in view of Applicants' accompanying Request for a Continued Prosecution Application, please amend the above-identified application as follows:

IN THE SPECIFICATION:

Delete the first sentence, which is added by the amendment dated December 19, 2000, and contains a typographical error, and substitute: — This application is a 371 of

PCT/EP98/01926, which was filed on April 2, 1998. —

*B1*